

# **NOTICE OF FORECLOSURE SALE**

June 22, 2023

FILED FOR RECORD  
2023 JUL 10 PM 12:02

THERESA GARRASCO  
ATASCOSA COUNTY CLERK  
BY K. Sumner DEPUTY

## **Deed of Trust ("Deed of Trust"):**

**Dated:** January 10, 2023  
**Grantor:** Express Hardware Resellers, LLC  
**Trustee:** Liang Gao  
**Lender:** Topline Residential Services, LLC  
**Recorded in:** Document No. 231383 of the Official Public Records of Atascosa County, Texas

**Legal Description:** Tract 3, BEING a 11.555 acre tract situated in the Trinidad Garcia Survey, Abstract Number 279, Atascosa County, Texas, being a portion of that certain called 93.422 acre tract described in instrument to Topline Residential Services, LLC, recorded under File Number 227146 of the Official Public Records of Atascosa County, Texas (O.P.R.A.C.T.), said 11.555 acre tract being more particularly described by metes and bounds in the attached Exhibit A.

**Secures:** Promissory Note ("Note") in the original principal amount of \$260,000.00, executed by Express Hardware Resellers, LLC ("Borrower") and payable to the order of Lender and all other indebtedness of Borrower to Lender

**Substitute Trustee:** Mark Cummings, Dick Vettters or Jason West

**Substitute Trustee's Address:** c/o Foreclosure Services, LLC  
8101 Boat Club Rd., Suite 320  
Fort Worth, Texas, 76179

**Mortgage Servicer:** Texstar Escrow

**Mortgage Servicer's Address:** 5809 Acacia Circler, El Paso, Texas, 79912

**Foreclosure Sale:**  
**Date:** Tuesday, August 1, 2023

**Time:** The sale of the Property will be held between the hours of 10:00 A.M. and 4:00 P.M. local time; the earliest time at which the Foreclosure Sale will begin is 10:00 and not later than three hours thereafter.

**Place:** Atascosa County Courthouse located at 1 Courthouse Circle Dr., Jourdanton, Texas 78026, or any other place designated for real property foreclosures under Texas Property Code Section 51.002 by the Commissioners Court of Atascosa County, Texas.

**Terms of Sale:** The Foreclosure Sale will be conducted as a public auction and the Property will be sold to the highest bidder for cash, except that Topline Residential Services, LLC's bid may be by credit against the indebtedness secured by the lien of the Deed of Trust.

Default has occurred in the payment of the Note and in the performance of the obligations of the Deed of Trust. Because of that default, Topline Residential Services, LLC, the owner and holder of the Note, has requested Substitute Trustee to sell the Property.

The Deed of Trust may encumber both real and personal property. Formal notice is hereby given of Topline Residential Services, LLC's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with Topline Residential Services, LLC's rights and remedies under the Deed of Trust and section 9.604(a) of the Texas Business and Commerce Code.

Mortgage Servicer is representing Topline Residential Services, LLC in connection with the loan evidenced by the Note and secured by the Deed of Trust under a servicing agreement with Topline Residential Services, LLC. The address of Mortgage Servicer is set forth above.

Therefore, notice is given that on and at the Date, Time, and Place for the Foreclosure Sale described above, Substitute Trustee will sell the Property in accordance with the Terms of Sale described above, the Deed of Trust, and applicable Texas law.

If Topline Residential Services, LLC passes the Foreclosure Sale, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

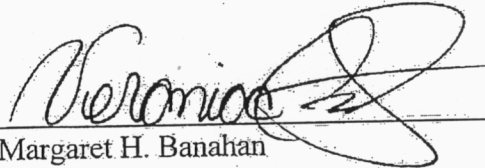
The Foreclosure Sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the Foreclosure Sale will necessarily be made subject to all prior matters of record affecting the Property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust by Topline Residential Services, LLC. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any.

Pursuant to section 51.009 of the Texas Property Code, the Property will be sold "AS IS," without any expressed or implied warranties, except as to the warranties (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the Property.

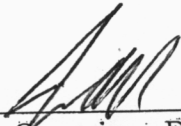
Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee.

**Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

**THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE. THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.**



Margaret H. Banahan  
Veronica A. Martinez  
R. Alex Weatherford  
Banahan Martinez Weatherford, PLLC  
1400 Broadfield Blvd., Suite 105  
Houston, Texas 77084  
Telephone (281) 394-3122  
Telecopier (281) 940-2743  
Attorney for Lender



Mark Cummings, Dick Vettors or Jason West  
c/o Foreclosure Services LLC  
8101 Boat Club Road, Suite 320  
Fort Worth, Texas 76179

EXHIBIT A

# TEXAS PROFESSIONAL SURVEYING, LLC.

3032 N. FRAZIER STREET, CONROE, TEXAS 77303  
(936)756-7447 FAX (936)756-7448  
FIRM REGISTRATION No. 100834-00

**FIELD NOTE DESCRIPTION**  
**TRACT 3**  
**11.555 ACRES**  
**IN THE TRINIDAD GARCIA SURVEY, ABSTRACT NUMBER 279**  
**ATASCOSA COUNTY, TEXAS**

BEING a 11.555 acre tract situated in the Trinidad Garcia Survey, Abstract Number 279, Atascosa County, Texas, being a portion of that certain called 93.422 acre tract described in instrument to Topline Residential Services, LLC, recorded under File Number 227146 of the Official Public Records of Atascosa County, Texas (O.P.R.A.C.T.), said 11.555 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1 inch iron pipe found in the westerly margin of Farm to Market Road 1784 (FM 1784), for the common easterly corner said 93.422 acre tract and the remainder of that certain called 60.93 acre tract now or formerly described as "Tract II" in instrument to John Ray Bond, recorded in Volume 209, Page 221, O.P.R.A.C.T.,

THENCE South 22°39'16" East, 1210.17 feet, with the westerly margin of said FM 1784, the easterly line of said 93.422 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the northeasterly corner of the herein described 11.555 acre tract, said **POINT OF BEGINNING** having a Texas State Plane Coordinate value of N: 13,557,665.938, E: 2,162,066.008, Texas South Central Zone, (4204), grid measurements;

THENCE South 22°39'16" East, 244.95 feet, with the westerly margin of said FM 1784, the easterly line of said 93.422 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the southeasterly corner of the herein described 11.555 acre tract;

THENCE South 89°35'54" West, 2268.32 feet, severing, over and across said 93.422 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set in an easterly line of that certain called 10.00 acre tract described in instrument to Paul Macmanus and Tera Macmanus, recorded under File Number 104950, O.P.R.A.C.T., common to a westerly line of said 93.422 acre tract, for the southwesterly corner of the herein described 11.555 acre tract;

THENCE North 00°27'55" East, 226.73 feet, with the common line between said 93.422 acre tract and said 10.00 acre tract, to a ½ inch iron rod with cap stamped "TPS 100834-00" set for the northwesterly corner of the herein described 11.555 acre tract,

THENCE North 89°35'54" East, 2172.13 feet, continuing over and across said 93.422 acre tract, to the **POINT OF BEGINNING** and containing a computed area of 11.555 acres of land within this Field Note Description

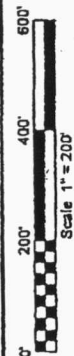
This Field Note Description was prepared from a survey performed on the ground on August 3, 2022 by Texas Professional Surveying, LLC. Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 25853 TR3

Bearings and distances recited herein are based on GPS observations and reference the North American Datum of 1983 (NAD83), Texas State Plane Coordinate System, Texas South Central Zone (4204), grid measurements

September 12, 2022  
Date



Thomas A. McIntyre  
R.P.L.S. No. 6921



# SYMBOL LEGEND

- FOUND SURVEY MONUMENT
- SET SURVEY MONUMENT
- END OF ASPHALT
- EDA
- WIRE FENCE



LINE	BEARING	DISTANCE
1	S 22°39'16" E	244.95'
2	N 89°35'54" E	2172.13'
3	N 89°35'54" W	2268.32'
4	S 22°39'16" W	244.95'

TRINIDAD GARCIA NO. 379 SURVEY

REMAINDER OF  
TOPLINE RESIDENTIAL SERVICES, LLC.  
CALLED 93.422 ACRES  
FILE NO. 227146  
O P R A C T

N 89°35'54" E 2172.13'

TRACT 3  
11.555 ACRES

PORTION OF  
TOPLINE RESIDENTIAL SERVICES, LLC.  
CALLED 93.422 ACRES  
FILE NO. 227146  
O P R A C T

SET X-1 R  
WITPS CAP

PAUL MACHANUS AND  
TERA MACHANUS  
CALLED 10.00 ACRES  
FILE NO. 104850  
O P R A C T

SET X-1 R  
WITPS CAP

REMAINDER OF  
TOPLINE RESIDENTIAL SERVICES, LLC.  
CALLED 93.422 ACRES  
FILE NO. 227146  
O P R A C T

S 89°35'54" W 2268.32'

FARM TO MARKET ROAD 1784  
(ASPHALT)

POB  
SET X-1 R  
WITPS CAP  
N 135°57'41" E  
E 21621.99 824

S 22°39'16" E 1210.17'

3" WATER LINE EDA/MENT  
(SEE TRAIL 1)

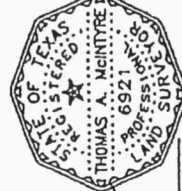
3" B L I O E

3" B L I O E

## BOUNDARY SURVEY

BEING 11.555 acres situated in the Trinidad Garcia Survey Abstract Number 279, Alameda County, Texas, being a portion of that certain called 93.422 acres tract described in Instrument No. 10906, Headed and Captioned, "L.C. MACHANUS AND TERA MACHANUS, TRACT 3, BEING A PORTION OF THE TRINIDAD GARCIA SURVEY, ALAMEDA COUNTY, TEXAS," and 11.555 acres being more particularly described by attached maps and boundary description.

I HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE UNDER MY SUPERVISION ON THE GROUND OF THE ABOVE DESCRIBED PROPERTY, AND THAT THE ABOVE THAT ON EXAMINATION REFLECTS THE TRUTH AND ACCURACY OF THE SURVEY, AND THAT THE SAME MEETS THE REQUIREMENTS OF THE STANDARD OF PRACTICE AS APPROVED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.



Thomas A. McIntyre  
Registered Professional Land Surveyor No. 692

NO PORTION OF THIS PROPERTY APPEARS TO BE WITHIN THE 100 YEAR FLOOD HAZARD ZONE SHOWN ON THE 1981 FLOOD INSURANCE RATE MAP, BUT NO ASSURANCE HAVING AN EFFECTIVE DATE OF 11/04/2018.

ALL DISTANCES SHOWN HEREON ARE BASED ON GDS OBSERVATIONS AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83). TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (TXEBC-1983), GRID MEASUREMENTS.

PURCHASER: TOPLINE RESIDENTIAL SERVICES, LLC  
ADDRESS: 10000 FM 1784, TRACT 3, ALAMEDA COUNTY, TEXAS 75004  
SUBJECT: TRINIDAD GARCIA A-278  
COUNTY: ALAMEDA

## GENERAL NOTES

- 1) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT. SURVEYOR DID NOT ABSTRACT TITLE AND DOES NOT CERTIFY TO EASEMENTS OR RESTRICTIONS NOT SHOWN. CHECK WITH YOUR LOCAL GOVERNING AGENCIES FOR ANY ADDITIONAL EASEMENTS, INCLUDING LINES OR OTHER RESTRICTIONS NOT REFLECTED ON SURVEY.

<b>TEXAS PROFESSIONAL SURVEYING</b> 2535 Alameda County, Texas 75004 Phone: 972-441-1111 Fax: 972-441-1112		PROJECT NUMBER: 21852-1784 DATE: 05/20/20 DRAWN BY: JAM CHECKED BY: JAM FIELD CREW: JAM REVISION 1: JAM REVISION 2: JAM REVISION 3: JAM REVISION 4: JAM
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